Public Law 106-224, the Agriculture Risk Protection Act of 2000 (ARPA), and the Interim Rule, Child and Adult Care Food Program; Implementing Legislative Reforms To Strengthen Program Integrity, establish a suspension process for providers. Specifically, these procedures state that a provider may only be suspended from participating in the CACFP if there is an imminent threat to the health or safety of participants or the public.

The process for suspending a provider for an imminent threat to the health or safety of participants or the public depends on whether a State or local health or licensing authority, or the sponsor discovers the problem.

HEALTH OR LICENSING AUTHORITY DISCOVERS THE PROBLEM

When a state or local health or licensing authority notifies you of the imminent health or safety threat, you must immediately send the provider a Notice of Suspension. The notice must include:

- all serious deficiencies that constitute the imminent threat,
- a statement that the home’s participation, including all CACFP payments, is suspended as of the date of the notice,
- a statement that you intend to terminate the home’s agreement for cause,
- a statement that you intend to disqualify the provider, and
- the procedures for appealing the suspension, proposed termination and proposed disqualification.

Send a copy of this Notice of Suspension to your Area Program Office (APO). An imminent threat to health or safety requires the immediate suspension of a day care home without the opportunity for corrective action.

The provider may appeal any or all of the three adverse actions:

- The suspension,
- The proposed termination, and
- The proposed disqualification.

If the provider loses the appeal, send the provider a Notice of Termination and Disqualification informing the provider that:

- the home’s agreement is terminated for cause, and
- the provider is disqualified and placed on the National Disqualified List.

This Policy Remains in Effect Until Further Notice
If the provider wins the appeal, send the provider a Notice of Rescission informing the provider that:

- The home’s suspension ended on the date of the hearing official’s decision,
- The home’s agreement is not terminated, and
- The provider is not disqualified, and may claim for eligible meals served during the suspension.

Send a copy of the Notice of Termination and Disqualification or Notice of Rescission to your APO.

If you have documentation that the licensing agency revoked a provider’s license or registration, the provider could not win the appeal.

If the provider does not request an appeal, the process ends when the 15 days have elapsed for requesting an appeal and you issue the Notice of Termination and Disqualification.

Note: If the home’s agreement is terminated and the provider is disqualified, you will also need to send Form 1603, Changes in Day Care Home Participation, deleting the provider’s participation.

**SPONSOR DISCOVERS THE PROBLEM**

If you determine there is an imminent health or safety threat in a day care home, you must immediately inform the health or licensing authority of the imminent threat and then take action that is consistent with the authority’s recommendation. This will usually mean suspension of CACFP participation. If you suspend participation, follow the suspension, notification and appeal procedures outlined in this policy alert.

**SAMPLE LETTERS**

Attached to this Policy Alert are sample letters that may be used throughout the suspension process.

If you have any questions regarding this Policy Alert, please contact your Area Program Office.

**ATTACHMENTS**